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July 11, 2022

VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Daniel Small, et al.*, No. 1:16-cr-00640-BMC

Dear Judge Cogan:

We represent Defendant Daniel Small in the above-captioned matter.

We respectfully submit this letter on behalf of Mr. Small in connection with the Court's scheduling of Mr. Levy's sentencing. (See July 11, 2022 Order, Resetting Mr. Levy's Sentencing for Aug. 11, 2022 at 4:45 p.m.; ECF 920.) While we are deeply sympathetic to Mr. Levy's desire to resolve the matter, we also object to Mr. Levy being sentenced during the course of Mr. Small's trial (even if such sentencing were to occur after Mr. Small's trial adjourns for the day). Specifically, with the jury for Mr. Small's trial present in the building, Mr. Levy's sentencing—and the media attention it may attract—poses an untenable risk to Mr. Small's right to a fair trial.

Accordingly, we respectfully request that the Court schedule Mr. Levy's sentencing for a time and date after the conclusion of Mr. Small's trial. Given the current predictions as to the length of Mr. Small's trial, it appears the adjournment would be a very brief one to the following week.

Respectfully submitted,

/s/ Seth L. Levine
Seth L. Levine

cc: Lauren Elbert, David Pitluck, Nicholas Axelrod, Assistant U.S. Attorneys (via ECF)